



USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

12. Heritage Preservation Regulations

(See Zoning Ordinance § 78-202.8, *Certificates of Appropriateness in the Heritage Preservation Overlay District*, § 78-304.3, *Heritage Preservation Overlay District*, and § 78-514, *Development within the Heritage Preservation Overlay District*)

The Town of Herndon Zoning Ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

Herndon's settlement dates to the mid-19th century and the community is proud of the heritage woven by subsequent events and development. The Heritage Preservation Overlay District (HP district) is intended to provide for the establishment of historic landmarks and preservation districts as a means of preserving the historical, cultural and architectural heritage of the Town and protecting designated historic resources.

Where are the Heritage Preservation Overlay Districts, and how would I find out whether or not a property is in a Heritage Preservation Overlay District?

The Town has five HP districts that encompass over 200 properties that are considered as "contributing" to the heritage of the Town:

- Chestnut Grove Cemetery (Dranesville Road at Herndon Parkway)
- Downtown
- Loudoun Hall (Dranesville Road)
- Former Reston-Herndon Medical Center (Third Street near Grant Street)
- Van Vleck's Subdivision (Grant, Tyler, First Street area)

The boundaries of these districts are shown on the Town's Official Zoning Map, which can be viewed at the Herndon Municipal Center and at www.herndon-va.gov. Members of the public are welcome to call the Department of Community Development at 703-787-7380 to inquire whether or not a specific property is in the HP district.

How is property in a Heritage Preservation Overlay District affected?

HP properties fall under special protections through the Zoning Ordinance, the Town's Comprehensive Plan, and the Herndon Heritage Preservation Handbook. Combined, these policies seek to preserve older buildings and a traditional image of Downtown Herndon and the historic neighborhoods. Property values and public investment in the districts are protected with the implementation of those policies. The zoning regulations provide for mandatory architectural review of new construction and changes to existing buildings within the districts. The Zoning Ordinance provides for a waiting period before permits are granted to demolish a building in the district.

The HP district does not change the basic zoning of the designated area. It places additional restrictions on the design of any proposed rehabilitation or new development to insure that the alteration relates to the historic character of the district. Therefore, no building, structure or sign located in the HP district may be erected, reconstructed, altered, demolished, moved, expanded or restored except in accordance with the provisions of Zoning Ordinance § 78-202.8, *Certificates of Appropriateness in the Heritage Preservation Overlay District*, and Zoning Ordinance § 78-514, *Development within the Heritage Preservation Overlay District*.

What is involved in Gaining Permission from the Town to Build or

make Alterations in a Heritage Preservation Overlay District?

Application must be made to the Town for a Certificate of Appropriateness. This will require a public hearing with the Heritage Preservation Review Board to consider whether or not to approve the application. It is best to discuss the proposal with the Town staff before submitting an application for a Certificate of Appropriateness.

Please see attached:

- regulations for obtaining a Certificate of Appropriateness in the HP district: Article II, *Administration*, § 78-202.8, *Certificate of Appropriateness in the Heritage Preservation Overlay District*.
- development standards in the HP District.: Article V, *Development Standards*, § 78-514, *Development within the Heritage Preservation Overlay District*.
- Excerpts from the Herndon Heritage Preservation Handbook, 1989: *Guidelines for Alterations and New Construction*

Step 1. Determine the zoning for the property by consulting the Zoning Map or by contacting a planner at the Herndon Municipal Center.

Step 2. Check the Zoning Ordinance for:

- regulations for the underlying zoning district (e.g., R10, R15, CC, etc.)
- regulations for obtaining a Certificate of Appropriateness in the HP district.
- development standards in the HP District.

Step 3. Check the Herndon Heritage Preservation Handbook to become familiar with the Town's guidelines for alterations and new construction and be prepared to incorporate the concepts into the design of the proposal.

Step 4. Based on the information collected, prepare a concept design for the alteration, new construction or demolition and review it with a Town planner or with a design professional. For the HP District, consultation with an architect, especially one experienced in historic preservation, is strongly recommended.

Step 5. In consultation with a Town planner, determine whether or not the desired alteration or new construction will involve other Town approvals such as a Site Plan, Subdivision Plan, Single Lot

Development Plan, Building Location Survey, Building Permit, Land Disturbance Permit, Sign Permit or other approval. If it does, those approvals should be pursued before the Certificate of Appropriateness.

Step 6. Obtain a copy of the application form for a Certificate of Appropriateness and:

- Review the submittal requirements.
- Review the application deadlines for the respective public hearing dates.
- Prepare the application package and include all information and materials required by the Town.
- Call the Department of Community Development at 703-787-7380 with any questions.

Step 7. Submit the application package before the application deadline. Applicants are encouraged to submit their application the week prior to the deadline to have their applications reviewed by Town staff for completeness. Applications received the week of the deadline and found to be incomplete will not be placed on the Board's upcoming agenda. Meetings with staff prior to the submission deadline are encouraged and may be arranged by appointment.

How can an applicant make sure the application and approval process goes as smoothly and quickly as possible?

Applications that follow all applicable zoning regulations and that meet all submittal requirements are likely to receive approval more quickly than applications that do not. Other suggestions for easing the review process for the applicant include:

- Set aside adequate time for preparation of the project design and for the Town's application package.
- Meet with the Town staff prior to submitting the application.
- Plan at least one month for the Town's approval process.
- When submitting the application, make note of the dates and times of the work session and public hearing (if required) for the application; attendance at those meetings is encouraged.
- Study the staff report issued prior to the work session and be prepared to respond to all points in the staff report at the public hearing.

Need more information?

Have a question regarding required permits, the permit process, or application requirements? Call or make an appointment to see a member of staff in the **Department of Community Development at 703-787-7380**.

Have a question regarding Building Permits or construction codes? Call or make an appointment to see the **Building Official at 703-435-6850**.

Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20170.

User's Guide to the Zoning Ordinance Series:

- | | |
|--|---|
| 1. Neighborhood Meetings and Public Participation in the Planning and Zoning Process | 21. Landscape and Buffer Requirements |
| 2. Zoning Map Amendments | 22. Explanation of Variances, Waivers, Adjustments, and Exceptions |
| 3. Signs | 23. Fee Schedule |
| 4. Special Exceptions | 24. Temporary Use Permits, Special Events |
| 5. Site Plan Review Procedures | 25. Day Care, Child Care, Preschool and Home Day Care |
| 6. Single Lot Development | 26. Zoning Inspection and Zoning Appropriateness Permits |
| 7. Chesapeake Bay Provisions | 27. Written (Mailed) Notification to Adjacent Property Owners for Scheduled Public Hearings |
| 8. Traffic Impact Studies | 28. Refuse Collection on Private Property |
| 9. Subdivision Site Plans | 29. Exterior Lighting Standards |
| 10. Unified Commercial Subdivisions | 30. Vacating a Street Right-of-Way |
| 11. Performance Guarantees | 31. Portable Storage Units |
| 12. Heritage Preservation Regulations | 32. Building Location Surveys |
| 13. Board of Zoning Appeals | 33. Water Quality Impact Assessments |
| 14. Conducting a Business in the Home | 34. Chesapeake Bay Provisions for Homeowners: Step by Step Approval Process for Single-Family Detached and Duplex Dwellings |
| 15. Fences | 35. Roll-Off Dumpsters |
| 16. Accessory Structures | 36. Bed and Breakfast Establishments |
| 17. Summary of Permitted and Allowed Uses in the Zoning Districts | |
| 18. Summary of Dimensional Standards in the Zoning Districts | |
| 19. Commercial Vehicle Parking in Residential Districts | |
| 20. Parking on Lots with Single-Family Detached Dwellings | |

Selected Zoning Regulations, Heritage Preservation

Herndon Town Code, Chapter 78

Article II, Administration. § 78-202.8. Certificate of Appropriateness in the Heritage Preservation Overlay District.

The purpose of this section is to establish the procedures and standards for the review of Certificates of Appropriateness in the Heritage Preservation Overlay District.

(1) Applicability. Unless exempted pursuant to § 78-202.8(2), *Exemptions*, a Certificate of Appropriateness must be approved prior to:

- a. Erecting, reconstructing, altering, or restoring any building or structure in the Heritage Preservation Overlay District; or
- b. Demolishing, or moving any historic landmark, building, or structure located in the Heritage Preservation District.
- c. Signs in the Heritage Preservation Overlay District are reviewed pursuant to the applicable procedures in § 78-202.7, *Signs*.

(2) Exemptions. The following minor development, which has been determined not to have permanent effects on the character of the Heritage Preservation District, is exempted from the requirements of this section. In the event the scope or nature of the development changes during the improvement process, the Zoning Administrator shall have the authority to order all work to be stopped and that an appropriate application for a Certificate of Appropriateness be filed.

- a. Additions or deletions of storm doors, storm windows, window boxes, or similar appurtenances, or portable air conditioners in windows.
- b. In locations not visible from a public street, an addition or deletion of television or radio antennas, skylights or solar collectors.
- c. Landscaping, grading, walks, swimming pools and related mechanical equipment, retaining walls of less than 12 inches in height, or temporary fencing in place for one year or less, when it does not significantly affect the character of the Heritage Preservation Overlay District or an historic landmark and its surroundings.
- d. Minor additions or deletions to an existing building or structure that is not visible from a public street and do not significantly change the architectural character of the building or structure.
- e. Alterations that do not affect the exterior appearance of a site, building, or structure (repainting to a different color or painting unpainted surfaces affects the exterior appearance of the building or structure).
- f. In cemeteries, memorialization on community and private mausoleums, columbaria, family estates, individual and family sites, and memorialization such as headstones and monuments, cremation benches, crypts, vase units, vesper lights, trees, shrubs, flowers, borders (including brick or ornamental fences) and the like, and the words, figures, and graphics on existing or future buildings or structures. Creation of new buildings or structures (not described in the previous sentence), new community burial units, new cenotaphs, new ossuaries, and similar development are not exempt.
- g. Similar development determined by the Zoning Administrator not to have permanent effects on the character of the HPD.

(3) Relationship of Certificate of Appropriateness to Site Plan.

- a. An application for a Certificate of Appropriateness in the Heritage Preservation Overlay District for a development that requires Site Plan or Single Lot Development Plan approval pursuant to § 78-202.6, *Site Plan*, shall not be reviewed formally by the Heritage Preservation Review Board (HPRB) until the Site Plan or Single Lot Development Plan is approved. However, applicants may meet informally with the HPRB prior to Site Plan approval.
- b. In instances where development requires Site Plan or Single Lot Development Plan approval (§ 78-202.6), upon recommendation of the Zoning Administrator or the Town Council, an applicant may present the substance of the plan for development for which a Certificate of Appropriateness is required at a work session of the HPRB prior or concurrent with the review of the Site Plan or Single Lot Development Plan.

(4) Procedure.

- a. Prior to submitting an application for a Certificate of Appropriateness, applicants are encouraged to seek advice from the HPRB during one or more work sessions. At the work session, the HPRB will review the proposed plan for development and provide the applicant comments about its general conformance with the requirements for a Certificate of Appropriateness. The comments are advisory and do not confer development rights on the applicant or bind the HPRB, Town staff, or any other entity of the Town providing comments.
- b. The procedures and requirements for submittal and review of an application, scheduling the public hearing and public notification are established in § 78-201, *Review Procedures*.

c. All applications for a Certificate of Appropriateness shall include the items required in § 78-201.3, *Submittal Requirements*, as well as the following:

1. Architectural drawings or renderings drawn to scale (for new construction, rehabilitation or building alterations);
2. Site Plan drawn to scale (including landscaping);
3. Samples of materials and colors to be used;
4. Written statements concerning the following:
 - (i) Construction methods to be employed;
 - (ii) A description of proposed materials;
 - (iii) Any proposed signs, with appropriate details;
 - (iv) Any proposed exterior lighting arrangements;
 - (v) Elevations of all portions of structures and their relationships to public view;
 - (vi) Design of doors and windows;
 - (vii) The colors to be utilized and their relationships to adjacent structures;
- (vii) All other exhibits and reports deemed necessary by the board for a full review of the application; and
- (ix) If an application for demolition is submitted for a building or structure and is defined as a contributing building in the Heritage Preservation District, the interior and exterior of the building must be thoroughly documented with black and white photographs and measured drawings including floor plans and elevations following the standards of the Historic American Buildings Survey.

d. After public notification and the scheduling of a public hearing, the HPRB shall conduct a public hearing on the application. At the public hearing, the HPRB shall consider the application, the relevant support materials, the staff report, and the public testimony and evidence given at the hearing. After the close of the public hearing, the HPRB shall either approve or disapprove the application based on the standards in § 78-514, *Development within the Heritage Preservation Overlay District*.

e. If the HPRB finds the application complies with the standards in § 78-514, *Development within the Heritage Preservation Overlay District*, and the applicable guidelines found in the Herndon Heritage Preservation Handbook, the HPRB shall approve a Certificate of Appropriateness.

f. If the HPRB determines the application fails to comply with the standards in § 78-514, *Development within the Heritage Preservation Overlay District*, and the applicable guidelines found in the Herndon Heritage Preservation Handbook, it may either disapprove the application or continue the public hearing. In either case, it shall explain why the application fails to comply with the review standards. It shall recommend revisions to the plans and specifications that would bring the application into conformance with § 78-514, *Development within the Heritage Preservation Overlay District*, and the applicable guidelines found in the Herndon Heritage Preservation Handbook. The applicant may request or agree to a continuation of the public hearing in accordance with § 78-201.10, *Deferral of Application* and § 78-201.13(2), *Continuation of Public Hearing*.

g. At its discretion, the HPRB may adopt a Certificate of Appropriateness providing design guidance for certain minor improvements such as changes in color of materials or fences, dumpster enclosures, and similar screening. The staff may review applications for eligible minor improvements addressed in the Certificate of Appropriateness for compliance with the Certificate of Appropriateness. The staff shall then notify the applicant in writing whether or not the application successfully complies with the Certificate of Appropriateness and the improvements shall be authorized under that Certificate of Appropriateness, without a public hearing before the HPRB.

(5) Standards. Development located within a preservation district shall be completed in accordance with the Herndon Heritage Preservation Handbook and the standards set forth in § 78-514, *Development within the Heritage Preservation Overlay District*.

(6) Appeals.

a. The applicant or any person aggrieved by the decision with a property interest in land abutting or across the street from property which is the subject of a final decision of the HPRB on a Certificate of Appropriateness, may appeal the decision to the Town Council:

1. An appeal shall be initiated by filing a written Notice of Appeal with the Zoning Administrator specifying the grounds for the appeal within 14 days of the final decision of the HPRB.
2. No action shall be taken until 15 days after the final decision of the HPRB on a Certificate of Appropriateness. If a written notice of appeal on a Certificate of Appropriateness is initiated pursuant to this section, any related Certificate of Appropriateness issued by the HPRB shall be rendered void.
3. The Zoning Administrator shall schedule a hearing on the matter at the earliest feasible Town Council meeting by which time notice can be provided consistent with the requirements of § 78-201.9, *Public Notification*.
4. At the hearing on the appeal, the appellant or the appellant's agent shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. Town staff shall be given an opportunity to respond, as shall any other person(s) the council deems necessary and appropriate. After the conclusion of the

hearing, the Town Council may affirm, modify, or reverse the decision of the HPRB, in whole or in part, or may remand the case to the HPRB. The decision shall be based on the standards in § 78-202.8(5), *Standards*.

5. A decision shall not be reversed or modified unless there is evidence in the record that the decision of the HPRB is not correct, based on the review standards for a Certificate of Appropriateness.

6. In determining whether or not to remand a case to the HPRB, the Town Council shall be guided by the following factors: the completeness of the record; the appropriateness of further review by the HPRB of certain points or facts; and any amendments to the application after the decision of the HPRB. Town Council recognizes that revisions to an application for the purpose of clarifying issues, or addressing concerns raised during the public hearing are positive and will not necessarily result in a remand, except that significant and substantive revisions to the application may serve as a basis for remand.

b. Any person jointly or severally aggrieved by a final decision of the Town Council pursuant to this section, or any taxpayer or any officer, department, board, or the Town, may appeal the decision to the Circuit Court of Fairfax County pursuant to § 15.2-2306, Code of Virginia. If appealed, a petition at law shall be filed setting forth the alleged illegality of the action by the Town Council, provided that such petition shall be filed within 30 days after the final decision is rendered by the Town Council.

(7) Submittal of new application after disapproval. If the HPRB disapproves a Certificate of Appropriateness, the applicant may, at any time, submit a new application with new information addressing the written reasons for disapproval.

(8) Transfer. A Certificate of Appropriateness shall be transferable to subsequent owners of the property for which the certificate is issued.

(9) Expiration. Development activity or demolition approved pursuant to a Certificate of Appropriateness must begin within one year of the issuance of the certificate. Failure to begin the activity within one year shall render the Certificate of Appropriateness void.

Upon written application submitted to the Zoning Administrator by the applicant at least 60 days prior to the expiration of the certificate, the HPRB shall consider and may grant one extension not to exceed one year upon a showing of good cause. In determining good cause, the HPRB shall take into consideration the scope of the proposed work and the laws, ordinances, and regulations in effect at the time of the request for extension. The approval shall be deemed extended until the HPRB has acted upon the request. Failure to submit an application for an extension within the time limits established by this section shall render the Certificate of Appropriateness void.

(10) Amendment. A Certificate of Appropriateness may be amended, extended, or modified in accordance with the procedures and standards established for its original approval.

(11) Demolition, relocation and alteration of property without a Certificate of Appropriateness. As provided in the Code of Virginia § 15.2-2306, in addition to the right of appeal outlined in this section, the owner of any building or structure shall be permitted to demolish, alter or relocate a building, structure or historic landmark in the Heritage Preservation Overlay District provided that:

a. Application is made by the owner to the Town Council for the right to demolish the building or structure, or the right to alter, or the right to relocate a building or structure;

b. The owner demonstrates that for a period of time set forth in the schedule in § 78-202.8(11)c and at a price reasonably related to its fair market value, the owner has made a bona fide offer to sell the historic landmark, building or structure, and the land pertaining thereto, to the Town or Fairfax County, or to any person, firm, corporation, government, agency or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the historic landmark, building or structure and the land pertaining thereto. Evidence of a bona fide offer to sell must be demonstrated by a listing through a multiple listing service for the period of time established in § 78-202.8(11)c., at a price reasonably related to the fair market value of the property.

c. The schedule for offers to sell shall be as follows:

1. Three months when the offering price is less than \$25,000.00;
2. Four months when the offering price is \$25,000.00 or more but less than \$40,000.00;
3. Five months when the offering price is \$40,000.00 or more but less than \$55,000.00;
4. Six months when the offering price is \$55,000.00 or more but less than \$75,000.00;
5. Seven months when the offering price is \$75,000.00 or more but less than \$90,000.00; and
6. Twelve months when the offering price is \$90,000.00 or more.

d. No bona fide contract binding upon all parties involved shall have been executed for the sale for any such historic landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable period set forth in the schedule in § 78-202.8(11)c.

(12) Appeal not affected Any appeal which may be taken to the circuit court of Fairfax County from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions of this section relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona

vide offer to sell referred to in this section. No offer to sell shall be made more than one year after a final decision by the Town Council, but thereafter the owner may renew the request to the Town Council to approve the demolition of the historic landmark, building, or structure.

(Ord. No. 07-O-08, §§ 1, 2, 2-27-2007)

Article V. Development Standards, § 78-514. Development within the Heritage Preservation Overlay District.

Development located within a preservation district shall be completed in accordance with the Herndon Heritage Preservation Handbook, and the following:

(1) Alteration, Restoration or Reconstruction. A Certificate of Appropriateness for altering, restoring, or reconstruction of a building or structure shall be approved only after considering the following standards, as well as other appropriate matters:

- a. Whether or not reasonable effort shall be made to alter the site, building, or structure, and its environment to the minimal extent practicable.
- b. Whether or not alteration of the original distinguishing qualities or character of a site, building, or structure and its environment and the removal or alteration of any historic material or distinctive architectural features shall be avoided to the greatest extent practicable.
- c. Whether or not all sites, buildings and structures shall be recognized as products of their own time, with alterations and reconstruction to existing buildings and structures to be consistent with the original style of such buildings and structures.
- d. Whether or not distinctive stylistic features or examples of skilled craftsmanship that characterize a building or structure or site shall be retained and restored to the greatest extent practicable.
- e. Whether or not deteriorated architectural features shall be repaired, rather than replaced, wherever reasonably possible, and, if replacement is necessary, whether or not new materials shall match the material being replaced in composition, design, color, texture and other visual qualities to the greatest extent practicable.
- f. Whether or not repair or replacement of missing architectural features shall, to the greatest extent possible, be based on accurate duplications of the original features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. Whether or not the surface cleaning of buildings and structures constituting historic landmarks shall be undertaken with the gentlest means practicable; provided, however, that sandblasting and other cleaning methods that may damage the existing building materials shall not be approved.
- h. Whether or not partial demolition of buildings or structures within preservation districts may be approved when one or more of the existing facades are retained for the purpose of integrating new construction into existing historic buildings or structures when such is appropriate and in accordance with the intent of this article. The Town does not advocate this procedure, as it goes against the Secretary of the Interior's guidelines for rehabilitation and credits would not be allowed in such projects.
- i. Whether or not, to the greatest extent practicable, every effort shall be made to protect and preserve archeological resources within or adjacent to the Heritage Preservation Overlay District.
- j. Whether or not contemporary design for alterations and additions to existing buildings and structures is compatible with the size, scale, color, material, and character of the building and structures within preservation districts, and whether or not such alterations and additions would destroy significant historical, architectural, or cultural material.
- k. Whether or not the proposed additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired. Whenever possible, new additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired.

(2) New Construction. A Certificate of Appropriateness for new construction of a building or structure may be approved only after considering the following standards, as well as other appropriate matters:

- a. Whether or not the design will be architecturally compatible with the historic landmarks, buildings, and structures in the Heritage Preservation Overlay District in terms of size, scale, color, material, and character.
- b. No specific architectural style shall be adopted or imposed in the administration of this section.

(3) Moving or relocating a building. A Certificate of Appropriateness to move or relocate a building or structure may be approved only after considering the following, as well as other appropriate matters:

- a. Whether or not the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;
- b. Whether or not the proposed relocation would have a negative or positive effect on other historic landmarks or on other sites, buildings or structures located within the Heritage Preservation Overlay District;
- c. Whether or not the proposed relocation would provide new surroundings that would be compatible with the architectural aspect of the building or structure;
- d. Whether or not the proposed relocation is the only practicable means of saving the structure from demolition; and
- e. Whether or not the building or structure will be relocated to another site within the corporate limits of the Town or to another adjacent site that is subject to preservation control.

(4) Demolition. A Certificate of Appropriateness to demolish a building or structure may be approved, only after reviewing and considering the circumstances and conditions of the structure or building or the part proposed for demolition, and considering the following factors as well as all other appropriate matters:

- a. Whether or not the building or structure is an historic landmark or is a building within the Heritage Preservation Overlay District that contributes to the character of the Heritage Preservation Overlay District;
- b. Whether or not the building or structure is of such interest or significance that it would qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register;
- c. Whether or not the building or structure is of such old or uncommon design, texture or scarce material that it could not be reproduced or could be reproduced only with great difficulty and expense;
- d. Whether or not historic events occurred in the building or structure;
- e. Whether or not the building or structure is structurally unsound and to what extent;
- f. Whether or not a relocation of the building or structure or a portion thereof would be to any extent practicable as a preferable alternative to demolition;
- g. Whether or not the proposed demolition could potentially adversely affect other historic landmarks located within a preservation district or adversely affect the character of a preservation district;
- h. If a building is damaged by a fire or other natural hazard, the Building Inspector shall determine if a building is structurally sound and is in imminent danger to public safety and should be demolished;
- i. The reason for demolishing the building or structure and whether or not any alternatives to demolition exist;
- j. Whether or not there has been a professional, economic, and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

(Ord. No. 07-O-08, §§ 1, 2, 2-27-2007)

Excerpts from the Herndon Heritage Preservation Handbook, 1989

NEW CONSTRUCTION DOWNTOWN: BUILDING GUIDELINES (from Chapter 6)

The following twelve guidelines offer general recommendations in the design for all new buildings in Downtown Herndon. In addition, particular conditions for a certain building type will be specifically noted. The challenge of designing new buildings in Downtown is to respect the existing framework of Herndon while announcing a new architectural era in the community.

The intent of these guidelines is not to be overly specific or to dictate certain designs to owners and designers. The intent is also not to encourage copying or mimicking particular historic styles. These guidelines are intended to provide a general design framework for new construction Downtown. Good designers can take these clues and have the freedom to design appropriate, new architecture for Herndon.

1. Relationship to Street (Setback)

New Downtown buildings should be constructed with a minimal setback in order to reinforce the traditional street wall, particularly the infill type. They should attach to neighboring buildings or have a minimal side yard setback. In general, corner buildings should avoid deep setbacks or open corner plazas that disrupt the continuity of the street wall. Neighborhood transitional site should have a deeper setback that respects the smaller scale of nearby residences and provides for a landscaping area to soften the edge of the site. Trail frontage buildings may have more flexibility in their setbacks in order to take advantage of the pedestrian nature of their setting and to provide plazas, landscaped areas, or various innovative design solutions. Their minimum setback should be thirteen feet or consistent with other sidewalk-pedestrian frontages. Institutional buildings may have formal landscaping or a plaza to emphasize their civic function. They may be freestanding depending on the location of their site. If the site is on an important commercial street with a traditional street wall, consideration should be given to reinforcing that form.

2. Massing and Building Footprint

While the typical footprint of a building from the turn of the century might be twenty-five feet wide by sixty feet long or 1500 square feet per floor, new Downtown buildings can be expected to be much larger. New infill buildings' footprints will be limited by the size of the existing lot and their massing in most cases should

be simple rectangles like neighboring buildings. Neighborhood transitional buildings should have small building footprints similar to nearby dwellings. If their footprint is larger, their massing should be reduced to relate to the smaller scaled forms of residential structures. Institutional and multi-lot buildings by their nature will have large footprints. Therefore, the massing of these large-scale structures will have to be reduced so they will not overpower the traditional scale of Downtown Herndon. Techniques could include varying the surface planes of the building, stepping back the buildings as the structure increases in height, and breaking up the roofline with different elements to create the smaller compositions.

3. Height

While zoning allows a standard height of forty feet in the Downtown and thirty to fifty feet in PD-MU zoning, it should be noted that fifty-six percent of Herndon's Downtown buildings are only one story in height. Although the height of new building should be compatible with the majority of adjacent buildings, it may be unrealistic to expect much of new construction to remain one story tall. An appropriate standard would be ninety to one hundred thirty percent of the prevailing height of the entire block not to exceed the zoning requirement. Corner buildings at each end of Elden Street may be higher than neighboring buildings to better define these primary entry points. Neighborhood transitional buildings should reflect a lower residential-scaled height, and it is spelled out for PD-MU in the Zoning Ordinance. Trail frontage and institutional buildings that are constructed on the large parcels northwest of the Downtown may be taller than the fifty foot maximum under PD-MU zoning as long as their height is not taller than the roof of Town Hall. The street and trail frontage of these buildings should apply a thirty-foot height limit and then step the building back to the allowed maximum height. Multi-lot buildings that are included in the PD-MU district should also step back from thirty-foot street frontage to the maximum fifty-foot height.

4. Width and Proportion

The width and proportion of infill buildings, the relationship of a building's width to its height, should be similar to, and compatible with, adjacent buildings along the street. Most commercial buildings in Downtown Herndon are twenty-five to forty feet wide. If new buildings are wider than this size, their primary facades should be divided into bays to reflect the

predominant width of the existing buildings. Buildings that front on three or four sides should use this bay division technique on all appropriate facades. Large corner buildings should use this bay division technique on both primary façade elevations. Freestanding institutional buildings on lots other than commercial street walls may have larger proportions than the prevailing norm, but this variation should be judiciously exercised.

5. Roof Forms

While sixty-two percent of roofs in Downtown Herndon are flat or have a gentle slope, major commercial blocks show some variety in roof forms. The roof design of new infill buildings should usually be flat or sloped behind a parapet wall. Corner projects may use their roof form to define an entry point location but large scale corner buildings should have varied roof forms in order to reduce a monolithic visual impact and better relate to the existing scale of Downtown. Neighborhood transitional buildings should use roof forms that relate to the neighboring residential forms instead of the flat or sloping commercial form. Trail frontage buildings may have a varied roof line on their trail elevation to add visual interest. Institutional buildings that are freestanding may have a gable or hipped roof with variations. Multi-lot buildings that are large scaled should have a varied roof line to break up the mass of the design using gable and/or hipped forms. While there are various roof forms in Downtown, mansard roofs, large towers, and turrets generally have not been historic elements in Herndon's skyline.

6. Solids and Voids within a Façade

The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent facades. The majority of existing buildings in Herndon's business district have a higher proportion of wall area than void area except at storefront level. On larger scaled multi-lot projects that have stepped-back upper floors that are not as visible as primary facades, there is the opportunity for more variety.

7. Proportion of Openings

The size and proportion, or the ratio of width to height, of window and door openings of new buildings' primary facades should be similar and compatible with those on surrounding facades. The proportions of the upper floor windows of most of Herndon's commercial buildings are more vertical than horizontal. Glass storefronts would generally have more horizontal proportions than upper floor opening. Corner infill buildings offer the opportunity to articulate the corner with an entrance if desired. On larger scaled multi-lot

projects that have stepped back upper floors that are not as visible as primary facades, there is the opportunity for more variety.

8. Articulation of Openings

Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in Downtown Herndon as opposed to designing openings that are flush with the rest of the wall.

9. Street Level Design: Storefront and Entrances

The design of the street level of new buildings is crucial in establishing the vitality of the commercial district. Almost seventy-five percent of the existing buildings in the district have some type of storefront opening with a door. At least fifty percent of the street level façade of a new infill building should be transparent (i.e., doors and windows) to provide visual interest and access for the pedestrian. This guideline is most important on Elden, Spring, Station, and Lynn Streets where most the buildings are commercial with first floor storefront. Corner buildings offer the opportunity to provide transparent street levels on both primary facades if appropriate. Neighborhood transitional buildings, in general, should not have transparent first floors and the design and size of their façade openings, should relate more to neighboring residential structures. Trail frontage buildings should and have inviting transparent first floors but the presence of storefronts would depend on the use of the space. Institutional buildings generally would not have storefronts, but their street levels should provide visual interest and display space could be integrated into the design. Any parking structures facing on important Downtown streets or on major pedestrian route should consider storefronts or other some form of visual relief on the first floors of these elevation. Street level faces of commercial structures should not have blank walls; they should provide visual interest to the passing pedestrian.

10. Architectural Details

Most of Herndon's existing commercial structures have minimal architectural decoration since they were constructed in the early to mid twentieth century when ornamentation was not a popular feature. Also many of the buildings were simply constructed often without the services of an architect and limited budgets precluded costly specialized building features. Many of the oldest commercial buildings that dated from the late nineteenth century had more ornate details but most of these were structures that were lost in the Downtown fire of 1917.

Currently, there is interest in strengthening the traditional and historic image of the commercial core. It is a challenge to create new designs that use historic details successfully. One extreme is to simply copy the complete design of a historic building and the other is to “paste on” historic details on a modern unadorned design. Neither solution is adequate for the issue of designing architecture that relates to its historic context and yet still reads as contemporary building. More successful new buildings may take their clues from historic images and reintroduce and reinterpret designs of traditional decorative elements. It is difficult to develop guidelines for appropriate use of details and much of the successful design in this area relates to the talent, sensitivity, and creativity of the architect. Pages 43 and 44 contain a collage of historic and contemporary photographs of Downtown Herndon’s historic architecture for reference.

11. Materials and Textures

The selection of materials and textures for a new building should be compatible with and complement adjacent buildings. Fifty-two percent of the buildings in the central business district are constructed of brick and over half of them remain unpainted. In order to strengthen the traditional image of the commercial district, brick is the most appropriate material for infill buildings. Large scale multi-lot buildings whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings may vary materials, shades, and textures.

12. Color

The selection and use of colors for a new infill building should be coordinated and compatible with adjacent buildings, and in Downtown Herndon various shades of brick red are the most common colors. Trim colors may be shades of white, tan, green, or gray. Brighter colors are more appropriate as accents on signs and awnings.

► **NEW ADDITIONS IN THE DOWNTOWN (from Chapter 6)**

Many of the smaller commercial buildings may be enlarged as development pressure increases in Downtown Herndon. These existing structures may be increased in size by constructing new additions on the rear or side, or by adding more stories to the top of the building. The design of these new additions should follow the above listed twelve guidelines for new construction on all elevations that are prominently visible. There are several other considerations that are specific to new additions in a preservation district and are listed below. The guidelines on design and attachment for additions to existing buildings are already listed the Herndon Zoning Ordinance.

1. Function

Attempt to accommodate needed functions within the existing structure without building an addition.

2. Size

Limit the size of the addition so that it does not visually overpower the existing building.

3. Location

Attempt to locate the addition on rear or side elevations that are not visible from the street. If additional floors are constructed on top of a building, set the addition back from the main façade so that its visual impact is minimized. If the addition is located on a primary elevation facing the street or if a rear addition faces a street, parking area, the trail, or an important pedestrian route, the façade of the addition should be treated under the new construction guidelines.

4. Design

New additions should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

5. Replication of Style

A new addition should not be an exact copy of the design of the existing historic building. If the new addition appears to be a part of the existing building, the integrity of the original historic design is compromised and the viewer is confused over what is historic and what is new. The design of new additions can be compatible with and respectful of existing buildings without being a mimicry of their original design.

6. Attachment to Existing Building

Wherever possible, new additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired. Therefore, the new design should not use the same wall plane, roof line, cornice height and materials that make the addition appear original to the historic building.

► **NEW RESIDENTIAL CONSTRUCTION: BUILDING GUIDELINES (from Chapter 7)**

The following guidelines are designed to assist in evaluating the degree to which proposed new structures are compatible with these existing visual

and historic characteristics. These criteria are all important when considering whether proposed new buildings are appropriate and compatible; however, the degree of importance of each criterion varies within each area as conditions vary. For instance, setback and spacing between buildings may be more important than roof forms or materials since there is more variety of the last two criteria on most streets. Not all criteria need to be met in every example of new construction.

New additions which have a significant visual impact can justifiably be categorized as “new construction” and should adhere to the following criteria as applicable.

1. Relationship to Street (Setback)

The setbacks of buildings from the street vary from twenty to fifty feet in Herndon’s historic neighborhoods. There is generally more consistency of setbacks within each block. The setback of a new building should be within twenty percent of the setbacks of the immediate neighboring dwellings.

2. Rhythm of Buildings and Spaces

While spacing between Herndon’s historic houses varies from fifteen to seventy feet, most spacing is thirty to forty feet. New buildings should reflect the existing spacing of the entire block and should be within twenty percent of that average.

3. Height

Because of the variety in architectural styles in Herndon’s neighborhoods, there is a corresponding variety in dwelling heights of one- to two-stories. The height of new construction should relate to the prevailing height of the entire block estimated in feet not numbers of stories. New construction should be eighty to one hundred twenty percent of the existing average of the block.

4. Proportions

The proportion of infill buildings – the relationship of a building’s width to its height – should be similar to, and compatible with, adjacent buildings along the street. There is much variety within existing blocks of houses in regard to this criterion: overall, forty-five percent of the houses have a horizontal orientation and fifty-five percent are more vertical. Therefore, this factor is not as critical as other criteria.

5. Complexity of Building Form

The overall form of a building relates to a combination of massing, size, symmetry, proportions, projections, and roof shapes. Some buildings are relatively simple in terms of their shapes, while other dwellings have more variety and complexity. Much of this level of

complexity relates directly to the style of a building. Forms may be either symmetrical where the building is the same on either side of a central axis or it may be asymmetrical where the building is different on either side of the axis. Since there is much variety within most of Herndon’s historic neighborhoods in regard to complexity of forms, this factor is not as critical as other criteria. Nevertheless, the forms should relate to existing conditions on the street and new forms, such as a one-story rectangular ranch house with a shallow pitched roof, are not appropriate in the historic neighborhoods.

6. Roof Forms

While seventy percent of Herndon’s historic houses have some type of gable roof, there is much variety within this category and much overall variety of roof types within the preservation districts. In general, the roof pitch of an older dwelling is steeper than a new tract house and this factor is more important than the type of roof in most neighborhoods. Shallow pitched roofs and flat roofs are inappropriate in historic residential areas.

7. Porches

Over 80 percent of Herndon’s historic houses have some type of porch. There is much variety in the size, location, and type of porches and this variety relates to the different residential architectural styles. Since this feature is such a prominent part of Herndon’s older neighborhoods, strong consideration should be given to including a porch in the design of any new residence in these areas.

8. Windows and Doors

The rhythm, patterns, size, proportions and ratio of solids (walls) and voids (windows and doors) vary tremendously between Herndon’s historic residences because of the great variety of styles in the neighborhoods. (See Chapter 13 for illustrations of window types.) In general, older buildings have more wall areas than the area of windows and doors. This criterion is important to follow on primary elevations that can be seen from the street. Existing openings of older residences generally have vertical proportions and may be taller than contemporary examples. The placement and type of openings will reinforce the symmetry or asymmetry of the building (See page 51.) Traditionally designed openings frequently are recessed on masonry buildings and have raised surrounds on frame buildings. New construction should follow these methods of construction in Herndon as opposed to designing openings that are flush with the rest of the wall.

9. Architectural Details

The details and decoration of Herndon's historic houses vary tremendously with the different styles. Such details include cornices, roof overhang, chimneys, lintels, sills, brackets, brick patterns, shutters, entrance decoration, and porch railings. The important factor to recognize is that the older neighborhoods have decoration and noticeable details. There is great flexibility in interpreting how these interesting elements can be used on new construction.

10. Materials and Textures

There is a variety of traditional building materials and textures used in Herndon's older houses including brick, wood, wood shingles, and stucco. The selection of materials and textures for a new building in a historic neighborhood should be similar to these existing materials. The new house does not have to relate directly to neighboring buildings, since there is so much variety in materials and textures among Herndon's houses. Synthetic sidings are not historic cladding materials in the preservation districts and their use should be avoided. For a more detailed discussion of synthetic sidings see page 93.

11. Roof Materials

Almost half of Herndon's historic dwellings have a standing seam metal roof or a metal shingle roof, while the remaining half have asphalt shingles, a replacement material that was not available when most of these houses were constructed. Slate roofs generally are not found within Herndon, and a wood shake roof is not an appropriate material in Herndon's preservation districts. Because the roofs of many buildings have been replaced, this factor is not as critical as other criteria.

12. Color

There is a tremendous variety of colors used on older houses throughout the preservation districts. New dwellings should use the same range of colors and tones as those that already exist. Placement of color is another important factor in defining a building's appearance. See the Paint and Color Selection of the Rehabilitation guidelines, page 95, for a discussion of appropriate colors for and color placement on historic structures.

NEW RESIDENTIAL ADDITIONS (from Chapter 7)

Many of Herndon's historic residences may be enlarged as the needs of new owners change. These existing structures may be increased in size by constructing new additions on the rear or side, or by adding more stories to the top of the buildings. The design of these new additions should follow the previously listed

guidelines for new construction. There are several other considerations that are listed below. The guidelines on design and attachment to existing buildings are already listed in the Herndon Zoning Ordinance.

1. Function

Attempt to accommodate needed functions within the existing structure without building an addition.

2. Size

Limit the size of the addition so that it does not visually overpower the existing building.

3. Location

Attempt to locate the addition on rear or side elevations that are not visible from the street. If additional floors are constructed on top of a building, set the addition back from the main façade so that its visual impact is minimized. Do not close in porches for additions.

4. Design

New additions should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

5. Replication of Style

A new addition should not be an exact copy of the design of the existing historic building. If the new addition appears to be a part of the existing building, the integrity of the original historic design is compromised and the viewer is confused over what is historic and what is new. The design of new additions can be compatible with and respectful of existing buildings without being a mimicry of their original design.

6. Attachment to Existing Building

Wherever possible, new additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired. Therefore, the new design should not use the same wall plane, roof line, cornice height, and materials that make the addition appear original to the historic building. New additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation.